

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

FILED  
JUN 04 2015

\*\*\*\*\*  
DEAN COCHRUN, \* CIV 14-5066  
Petitioner, \*  
vs. \* ORDER  
DARIN YOUNG; and \*  
MARTY J. JACKLEY, \*  
Attorney General, State of South Dakota, \*  
Respondents. \*  
\*\*\*\*\*

Petitioner Dean Cochrun, an inmate at the South Dakota State Penitentiary, has applied for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Magistrate Judge issued a Report and Recommendation recommending that the Petition be dismissed as the Petition fails to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6). Petitioner filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of Petitioner's case before this Court, including Petitioner's Objections to the Report and Recommendation, and adopts the Report and Recommendation.

In addition, the Court finds that Petitioner has failed to make a substantial showing of the denial of a constitutional right and therefore a certificate of appealability will not issue. 28 U.S.C. 2253(c)(2). Accordingly,

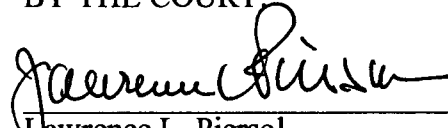
IT IS ORDERED:

1. That the Petitioner's Objections (Doc. 33, 34) are DENIED, and the Magistrate Judge's Report and Recommendation (Doc. 30) is ADOPTED.
2. That Respondents' Motion to Dismiss Petitioner's Application for Writ of Habeas Corpus (Doc. 22) is GRANTED.
3. That Petitioner's Application for Writ of Habeas Corpus (Doc. 1) is DENIED with prejudice.

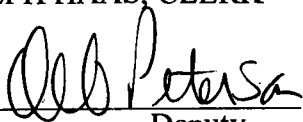
4. That Petitioner's remaining outstanding Motions (Dockets 5, 8, 10, 13, 15, 19, 26, 35, 36, 37, 40, and 43) are DENIED as moot.
5. That a Certificate of Appealability shall not issue.

Dated this 3<sup>rd</sup> day of June, 2015.

BY THE COURT:

  
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Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

By:   
\_\_\_\_\_  
Deputy